

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

ZECHARIAH JUSTIN DANIEL
SMITH,

Plaintiff,

vs.

CARRIE WALSTEAD, and
JOHN/JANE DOE,

Defendants.

Cause No. CV 24-11-H-BMM-KLD

ORDER

On February 2, 2024, Plaintiff Zechariah Justin Daniel Smith filed a 42 U.S.C. § 1983 Complaint related to his incarceration at Montana State Prison (“MSP”). (Doc. 2.) The Court screened his Complaint and determined that it failed to state a claim for relief. (Doc. 6.) Smith was given leave to amend. He has notified the Court that he will not. (Doc. 7.) Smith’s Complaint will be dismissed.

Based upon the foregoing, the Court issues the following:

ORDER

1. Smith’s Complaint (Doc. 2) is **DISMISSED** for failure to state a cognizable federal claim. All pending motions are denied as moot.

2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. The docket shall

reflect that, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Smith's filing of this action counts as one strike against him.

3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 30th day of April, 2024.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court